

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

RANGI LEE ANDREWS,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-08-1195-HE
)	
THE STATE OF OKLAHOMA, THE)	
DISTRICT COURT OF OKLAHOMA)	
COUNTY, OKLAHOMA,)	
)	
Respondent.)	

REPORT AND RECOMMENDATION

Mr. Rangi Lee Andrews seeks a writ of habeas corpus. For the reasons set forth below, the undersigned recommends dismissal of the petition without prejudice to the filing of a new action.

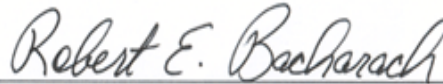
On November 10, 2008, the Petitioner was advised to either pay the filing fee of \$5.00 or to file a motion for leave to motion to proceed *in forma pauperis* no later than December 1, 2008. In addition, the Court reminded the Petitioner that “[t]he failure to timely comply with this order may result in dismissal of this action, without further notice.” Order to Cure Deficiency (Nov. 10, 2008).

The record reflects that as of the present date, the Petitioner has not paid the filing fee, filed a motion for pauper status, or requested an extension of time to comply with the deadline. In these circumstances, the undersigned recommends dismissal without prejudice. *See* LCvR 3.3(e).

The Petitioner is advised of his right to object to this report and recommendation by January 2, 2009. *See* W.D. Okla. Local Civil Rule 72.1. If the Petitioner does object, he must file a written objection with the Court Clerk for the United States District Court, Western District of Oklahoma. The Petitioner is further advised that if he does not timely object, he will waive his right to review by the Tenth Circuit Court of Appeals. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This report and recommendation disposes of all issues referred to the undersigned in the present action.

Entered this 12th day of December, 2008.

A handwritten signature in cursive script, reading "Robert E. Bacharach", is written over a horizontal line.

Robert E. Bacharach
United States Magistrate Judge